

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

RICKY WAYNE BECKETT

§

VS.

§

CIVIL ACTION NO. 1:22cv276

ITEX GROUP

§

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Ricky Wayne Beckett, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983 against the ITEX Group. The Court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable orders of this Court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that this case be dismissed without prejudice for lack of subject-matter jurisdiction.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed what have been construed as objections to the Report and Recommendation. The Court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

The magistrate judge's recommendation for dismissal based on lack of subject-matter jurisdiction was based on his conclusion that plaintiff failed to establish either complete diversity of citizenship or a federal law nexus. Plaintiff does not argue that either conclusion is incorrect. Instead, he appears to be attempting to amend his complaint to add the Port Arthur Police Department and the Jefferson County Sheriff's Department as defendants.

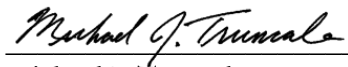
Plaintiff's request to add two defendants is GRANTED. However, plaintiff has filed a separate lawsuit pursuing his claims against the Police Department and the Sheriff's Department. *See Beckett v. Port Arthur Police Department*, civil action number 1:22cv275 (E.D. Tex.). Accordingly, to the extent plaintiff attempts to assert the same claims in this matter, the claims are subject to

dismissal as repetitious.

ORDER

Accordingly, plaintiff's objections [Dkt. 8] are OVERRULED. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge [Dkt. 8] is ACCEPTED. A final judgment shall be entered dismissing this lawsuit.

**SIGNED** this 20th day of December, 2022.

A handwritten signature in black ink, reading "Michael J. Truncala", is positioned above a horizontal line.

Michael J. Truncala  
United States District Judge